

Let's Build More Lakes in Utah to Develop New Water – Instead of Suing Widows for Water! Right, Central Utah Water Conservancy District (CUWCD)?



Utah uses 6 million acre-feet of water. 1 million af for all cities/business/industry and 5 million af for all Agribusiness. Depletion is the real factor in water. For example, indoor water use has a 5% depletion and a 95% return flow back to the water basin.

In contrast, thermoelectric power plants (steam plants) can deplete 100% of the water diverted and return flow 0% back to the water basin. In other words, indoor home use water has virtually no impact on water levels in a water basin if recirculated before evaporating. The Great Salt Lake evaporates 3 million acre-feet annually.

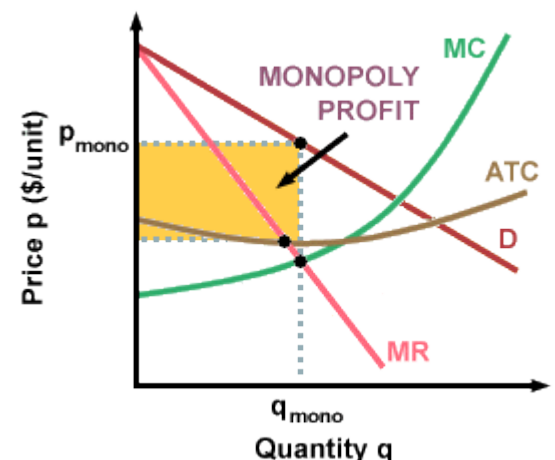
Water Factoid: The Water used to generate electricity for a house is more than the water used by the house (indoor and outdoor use combined).

Solar power saves water.

In 2005, the nation's thermoelectric power plants –which boil water to create steam, which in turn drives turbines to produce electricity – withdrew as much water as farms did, and more than four times as much as all U.S. Residents. That means lighting rooms, powering computers and TV's, and running appliances requires more water; on average, than the total amount we use in our homes—washing dishes and clothes, showering, flushing toilets, and watering lawns and gardens. Union of Concerned Scientists 2011

http://www.ucsusa.org/assets/documents/clean_energy/ew3/ew3-freshwater-use-by-us-power-plants-exec-sum.pdf

Suing a widow is like suing your mother. It should not be done in a civilized society especially with public water funds.



We need to think of water differently, and use different approaches to solve water issues. The old approach has lead to water shortage, high water costs, expensive projects piping water past thirsty cities like Spanish Fork to distant Salt Lake Valley, wasted water, water monopoly, water lawsuits by a too powerful Utah Water Cartel against small water users. The following case is a prime example of misdirected genius and waste. Ten



years ago, CUWCD targeted a small water user to make an example out of. Widow Hamblin has a small water right to irrigate 30 acres she got from BYU. CUWCD protested her water transfer to Highland Utah and later sued the widow's estate to forfeit her water.

Central Utah Water Conservancy District, a Utah Water Conservancy District, Plaintiff, v. Jennifer Jean Jensen, Executor and Personal Representative of the Estate of Marilyn Hamblin, Defendant – Complaint Civil No. 120400142

How much has this 10 year dispute by CUWCD against Widow Hamblin's Estate cost? Where's the benefit? Why isn't her water story if Big water disputing her water in the paper? Did the CUWCD board members authorize a lawsuit against senior citizens? Do we want water lawsuits or new lakes to increase



Utah's 7.5 million acre-feet of water storage capacity to 10 million acre-feet? CUWCD actions of suing widows for water is scandalous, and shameful.



There is no honor in suing widows for drops of water while CUWCD fails to sue SLC for hoarding 350,000 acre-feet of excess water, failed to sue Geneva Steel for its claim of 83,000 acre-feet (enough water to put 50 feet of water on top of the 1,700 acre steel site), fails to restore 46,000 acre-feet to Utah Lake by correcting an irregular irrigation duty in Salt Lake County, and fails to protect new home buyers of \$45 a month add cost to home mortgages by lobbying for accurate domestic water duties.

Geneva claimed 700 times more water than Hamblin. Hamlin gets sued. Geneva gets money. Photos¹

If the same forfeiture standards were applied to Geneva as applied to Widow Hamblin –What would be the result? Lawsuit CUWCD v Hamblin's estate is over 120 acre-feet (1/700 th of Geneva's water)
2000—Geneva struggling came out of bankruptcy – Geneva claims 83,000 acre-feet
2001 – Geneva Closes – limited Steel production Geneva Steel closes
2002 – No Steel production = no beneficial use of water
2004 – No Steel production = no beneficial use of water
2005 – No Steel production = no beneficial use of water

If the same 40 year rule use it or loose it rule were applied to SLC as is being applied to a small Utah Valley public water supplier – What would be the result? 3,500 af challenged SLC's excess 350,000 af not challenged
Salt Lake City uses 50,000 acre-feet for SLC, 25,000 on surplus water sales in 3 counties, and has 500,000 acre-feet of papwer. No CUWCD lawsuit against SLC.
South Utah Valley Municipal Water Association (Elkridge, Salem, Woodland Hills) sued by CUWCD

¹ Photo credit freebigpictures.com

over 3,500 acre-feet sugar plant right. CUWCD claims they are holding more water than they can beneficially use in 40 years.

The Central Utah Water Conservancy District was to be a model water conservation district, but has become part of the problem instead of the solution. The AG's Office should represent CUWCD. Cities that need water should manage the CUWCD. CUWCD should be used to protect the small water user and mitigate the heavy hand of water concentration. We are getting the opposite. Maybe Becky Lochart could run the CUWCD. We need new management or a new direction by old management. Either way we need substantive change.

There are a lot of articles on water appearing in the media lately some because of the drought, some because of Utah's Water Cartel PR people priming the 2015 Legislative pump, and some to promote more public dollars for water projects. A

recent article is titled, "Utah, Western States Say Feds Are All Wet On Groundwater Rule – Deseret News Sept 15, 2014

Are the Feds (the boogy man) really going to "usurp states' dominion over water rights and is akin to a water grab by the federal agency"?

Pragmatically speaking, probably not, because the Forest Service does not develop land, or raise crops, or build power plants in the mountains. Should the Feds and the States have a unified water policy? Yes. The Fed funds big western water projects with eastern tax payer dollars. If you take the Fed dollars, you do the Fed dance. It is what it is.

Has the Fed ever sued any private water right users (a widow) to take their water ever? NO. The Feds have not. Photos²

It's the Central Utah Water Conservation District (CUWCD), the State's largest water district taxing property in 8 counties that has been disputing and suing small private water users to take their water for 10 years, not the Feds.

What is the point of Utah's largest public water supplier (CUWCD) suing the estate of a good widow named Marilyn Hamblin. Who would fund a dispute over as little as 6 acre-feet of depletable water in a State that gets 60 million acre-feet and only uses 1 million for city/business/industry and 5 million or agribusiness? Suing the estate of a widow for water of 6 acre-feet of depletion is a PR disaster.

The Jensen water right in a 10 year dispute with CUWCD is 120 acre-feet transferred to municipal use in Highland. Highland has a secondary water system, so the well water may have as little as a 5% consumptive or depletion factor based on 2009 Utah Water Resource reports. Of the 120 acre-feet, 6



acre-feet would be consumed and 114 acre-feet would return the water basin as return flows and recharge. Who authorized a 10 year legal battle over 6 acre-feet of depletable water?

Why would the CUWCD board authorize the funding of one of Utah's most powerful water law firms to eviscerate and nuke a small private water right from a widow's estate over as little as 6 acre-feet of depletable water? The Fed is not suing the widow's estate, but the State's \$4 Billion water district -CUWCD.

What do her neighbors think about the CUWCD's heavy hand tactics? They see a CUWCD tax on their home and in their water bills. They see their old neighbor being sued over a little water. They see massive volumes of water running to waste. The canals are brimming with water discharging into the Great Salt Lake. Would this person vote for new lakes or new lawsuits?

The concerns State water leaders have regarding the Fed has some validity. What of the concerns of small water users regarding the heavy hand of Utah's Water Cartel, Utah's Water Monopoly, Utah's Water Conglomerate or whatever name one wants to call the group managing \$30 Billion in Utah's public water infrastructure.

Suing widows, writing thousands of \$1,000 water protests to stop private water rights from transferring, re-writing Utah's water laws does not make more water. It simply increases the costs to the end user.

Which course of action is more prudent? Building more Lakes (Reservoirs), using water multiple times before flushing water into the Great Salt Lake, and having accurate water duties or endless water contention with lawsuits funded with public tax dollars against the small and powerless water user like widow Hamblin? Why is so much water wasted year in and year out along the Wassatch Front while public water suppliers cry drought?

Why isn't the water in Red Butte Creek used by the University of Utah to cut their water bills?

Why isn't Millcreek's 11,000 acre-feet of water used for drinking water?

Why don't we build the Big Cottonwood Reservoir for 60,000 acre-feet recommended by Metropolitan Water District of Salt Lake City? It was sound water management 60 years ago. It's more sound today.

Why don't we build the Little Cottonwood Reservoir for 50,000 acre-feet?

Why aren't we using "Toilet to Turf" practices? Sewer effluent is cleaner than the Utah Lake water



currently used in secondary water systems for thousands of homes today in Draper, Herriman, and Riverton.

Common sense solutions to Utah's water issues are simple if Big money and politics are set aside. Water flowing uphill to money is not good for Utah.

1-Truth at the Tap Water Legislation– The cost of water is all at the tap not subsidized by water property taxes. Folks don't want Food Stamp water. They want to pay their own way.

2-Transparent water bills – uniform and comparative billing requirements. No more of billing units no one understand, no more comparing city water bills with LA, San Diego, and Dallas. The State should list all cities by cost per 1,000 gallons for informed consumer protections.

3-Accurate water inventories of cities posted on line to aid Home Builders.

4-Accurate water duties based on science. Division of Water Rights policies must be science based not political science based.

5-State Public Water Records – A State Water Public Record that is controlling over all 29 County Public Records to prevent fraud and increase water management efficiencies.

6-AG's Office legal representation of multi-county water districts.

7-Stop funding expensive single use long distance piping projects which use water once before flushing it into Great Salt Lake.

8-Water Courts – 73+ District Judges constantly make conflicting water rulings which the Supreme Court overturns.

9-Getting advice from old water engineer with decades of insight to water and water politics.

10-Let other states pay for our water infrastructure while mother nature transfers water to areas of high demand at no cost.

Water is a lot of fun. There are many bright minds in water. Jordan Valley Water Conservation District is Utah's Jewel in Public Water Suppliers. It provides high quality, low cost water at half the cost of other Water Cartel members, is the least litigious, rarely protests water transfers of others, is transparent, and respects private property rights. The GM of Jordan Valley Richard Bay is the Warren Buffet of water. Like the good water managers at Jordan Valley, management style is a choice.



New lakes of Lawsuits or New Lakes of water – it's a choice. Let's choose new lakes, developing more water instead of fighting and suing over the old water.

Let's put the lawyers to work for new lakes (reservoirs) instead of suing widows for water, and suing small town public water suppliers.

Utah's 7.5 million af of water storage could use another 2.5 million af of water storage not more reams of papers with legal theories/legal tactics we can't stomach or drink stored in some dark corner gathering dust.

